

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

MC ALLEN GRACE BRETHREN
CHURCH, et al.,

Plaintiffs,

V.

KEN SALAZAR, Secretary of the
Department of the Interior,

Defendant.

Case No. 7:07-cv-60

Declaration of Edgard O. Espinoza

I, Edgard O. Espinoza, state as follows:

1. I am employed as Deputy Director at the National U. S. Fish and Wildlife Forensic Laboratory in Ashland, Oregon. My curriculum vitae is attached.
2. I previously provided an Affidavit dated June 17, 2003 which was filed in the U.S.A. v. Wilgus and U.S.A. v. Hardman criminal prosecutions in U. S. District Court for the District of Utah. A copy of the 2003 Affidavit is attached to this Declaration. The 2003 Affidavit described the scientific limitations facing the U. S. Fish and Wildlife Service in prosecuting criminal cases involving the Bald and Golden Eagle Protection Act.

3. The scientific information provided in this 2003 Affidavit remains the same in 2012. The scientific limitations described in the 2003 Affidavit still exist. These include the Laboratory's inability to identify:

- a) geographic origin of an eagle;
- b) whether the eagle's death occurred before or after 1940 (unless carbon dating allows us to determine it died after 1968);
- c) whether the eagle was furnished by the National Eagle Repository;
- d) whether the bird feather or part came from a wild versus a captive bird; and
- e) whether the feather was plucked or dropped during molting.

This declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing are true and correct to the best of my current knowledge.

Executed on May 5, 2012.



Edgard O. Espinoza